UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,402	07/16/2003	William J. Semper	SAMS01-00261	2926

7590   02/10/2009

Docket Clerk
P.O. Box 800889
Dallas, TX 75380

EXAMINER
VU, MICHAEL T

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
02/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	*10/620,402*	SEMPER ET AL.
	Examiner	**Art Unit**	
	MICHAEL T. VU	2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>02 February 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617

On page 8 of Applicant's remarks, Applicant argues that "Oyama's quality of service (QoS) profile does not appear to correspond to any mobile station", lines 18-19.

In response, Oyama clearly discloses a message requesting a bearer to support a communication between a mobile terminal and an access point to a packet data network is generated, and the Internet Protocol (IP) networks, and more specifically, to establishing Quality of Service (QoS) for a signaling bearer used to establish a multimedia session across an IP access network between the Radio Access Network #22, and mobile terminal #20 of Figure #2, and further discloses in FIG. 4. The terminal equipment (TE) may be a laptop and the mobile terminal (MT) may be a cellular radio handset. The UTRAN may be made up of a combination of radio base stations called Node B's and radio network controllers (RNCs) (See para. [0020]).

Moreover, Oyama explicitly discloses the IP networks to support various types of applications. Some of these applications have Quality of Service (QoS) requirements other than "best effort" service. Examples of such applications include various real time applications (IP Telephony, video conferencing), streaming services (audio or video), or high quality data services (browsing with bounded download delays). Recognizing these QoS requirements, in which a message requesting a bearer to support a communication between a mobile terminal and an access point to a packet data network is generated(See para. [0003-0005]).

Moreover, Oyama further discloses the Four different QoS classes standardized in UMTS are shown in FIG. 7. Data transport may be optimized for the corresponding type of application data or for a bearer service of a certain class. The main distinguishing factor between these classes is how delay sensitive the traffic is: Conversational class is meant for traffic which is very delay sensitive (for real-time services) while Background class is the most delay insensitive traffic class (for non-real time services). Bit error/packet loss rate is also a significant difference between the classes [0032].

Furthermore, Oyama teaches the controller that receives and stores the QoS profile in the Radio access nodes such as a radio network controller (RNC) [0085] and The RNC uses the predetermined signaling QoS profile already configured and stored in its database in establishing the bearer [0091], such as quality of service profile typically includes low delay and low bit error rates in addition to high priority and accommodation of bursty traffic patterns or the quality of service characteristics, i.e., low delay, low bit error rate, bursty traffic pattern, and/or high priority (See Abstract, [0032-0036], and [0068-0070]).

On page 11 of Applicant's remarks, Applicant argues that "Igarashi does not appear to be any authorization of a mobile terminal", or authorization message that corresponds to the mobile terminal", lines 2-4.

In response, Igarashi discloses a mobile communications system, and particularly to a network, which can accommodate a mobile terminal (a mobile node such as a portable PC, etc.) that moves between networks [0002], in which inherently includes a QoS Controller (QSC) in the BSC receives the user's QoS profile, this profile is stored in the Authentication, Authorization, and Accounting (AAA) entity. The RAN assigns radio and network resources for the user, based on the applications that the user is running and the user's profile. The logical entity to oversee this service provisioning is the base station controller (BSC), which not only controls the air interface but also communicates with all entities in the RAN that matches it against the user's current applications, in which inludes a database for storing information set in a network device in user units is arranged in the AAA system, and the function for extracting the information from the identifier (NAI: Network Access Identifier) of a user when an authentication request is made, and for selecting and notifying the information required by the functional entities stipulated by RFC 2002, FA (Foreign Agent. Its details will be described later), and HA (Home Agent. Its details will be also described later). Furthermore, the protocol used for a communication between functional entities is expanded so that the information required by each entity can be notified, the HA and the FA are equipped with the

function for caching the information notified from the AAA system, and a function for controlling the information setting in a network device and packet editing is added. These functions are integrated with the registration procedure of the Mobile IP, handoff (handover) during a move, or the procedure for optimizing a route, so that it becomes possible to set valid policy information while a user accesses a network [0045].

The examiner noted that the protocol used for a communication between entities such as Foreign Agent, Home Agent and/or handover during a move from one location to another that iherently included in a carrier network or a backbone network in the e.g. GPRS, UMTS, or GSM and CDMA networks etc., in which includes the base stations or nodes and base station controllers which is based on a MobiLe IP architecture.

Moreover, Igarashi discloses the system comprises: a correspondent terminal making a communication with the mobile terminal; an authenticating unit authenticating the correspondent terminal; a setting unit setting communication parameters that the correspondent terminal requires to make a communication with the mobile terminal when the mobile terminal moves from the first to the second sub-network; and a communicating unit making a communication between network controlling devices so as to set the communication parameters [0014-0017].

Furthermore, Igarashi clearly discloses the use in a network including a correspondent terminal making a communication with a mobile terminal, which enables the mobile terminal connecting to a network composed of a plurality of sub-networks to be provided with communication similar to that in a first sub-network when connecting in a second sub-network, even after moving from the first to the second sub-network. This method comprises the steps of: (a) authenticating the correspondent terminal; (b) setting communications parameters that the correspondent terminal requires to make a communication with the mobile terminal when the mobile terminal moves from the first to the second sub-network; and (c) making a communication between network controlling devices so as to set the communication parameters [0015, 0044-0045], and [0059-0065].
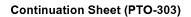
From the above, the examiner believes that the rejection of claims 1-21 are proper and are therefore maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Vu whose telephone number (571) 272-8131. The examiner can normally be reached on 8:30 AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Charles N. Appiah can be reached on (571) 272-7904. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 272-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is
(571) 272-9000.

Michael Vu
Examiner
AU-2617